



## REMARKS

In the present Office Action, the Examiner indicates that drawings filed with the Application are unacceptable due to informalities and that formal drawings must be submitted with this Response. Applicants' attorney notes that seven sheets of formal drawings were filed on November 18, 2002, with a petition under 37 CFR 1.182, and a stamped postcard was returned by the Office of Patent Publication indicating receipt of both the drawings and petition. Copies of the postcard and petition are enclosed. To avoid further delays in the examination of the Application, we submit herewith a second set of formal drawings.

Applicants' attorney acknowledges with appreciation that Claims 25-28 have been allowed. Following the Examiner's recommendation, Claim 24 has been rewritten in independent form, incorporating the features of the intervening claims. Further, Claim 1 has been amended as discussed below and Claim 5 has been cancelled. Claims 8, 23 and 25 have been amended to put them in better form for allowance.

Turning now to the Claim Rejections, the Examiner has rejected Claims 1-7, 9-17 and 23 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,084,051 to Tormälä et al. ("the Tormälä et al. '051 Patent"). By the foregoing amendments in the claims, Claim 1 has been amended to recite that the polymer phase of the composite scaffold is in the form of a polymer foam, as had been recited in Claim 5. The Tormälä et al. '051 Patent does not teach that the polymer phase of a composite scaffold is in the form of a polymer foam. To the contrary, the Tormälä et al. '051 Patent teaches that porosity is introduced to the polymer phase by inclusion of sodium chloride

powder, which is then dissolved to create pores in the polymer phase (Col. 14, lines 8-40). Therefore, Applicants urge that the amended Claim 1 is in condition for allowance and that its dependent claims 2-4, 6, 7 and 9-17 should also be allowed. Applicants also respectfully traverse the Examiner's rejection of independent method Claim 23, which includes a step in which a polymer solution is foamed to form the porous polymer phase.

The Examiner rejected Claims 8 and 18-22 under 35 U.S.C. § 103 as being obvious over the Tormälä et al. '051 Patent. As discussed above, these claims are allowable as dependent claims of amended Claim 1. It may also be noted, with respect to Claim 8, that the structure of a reinforcing ring which extends through first and second ceramic phases of a composite scaffold into the scaffold's first and second interphase zones is neither taught nor suggested by the Tormälä et al. '051 Patent.

For the reasons discussed above, Applicants' respectfully submit that all of the claims remaining in the Application are now in condition for allowance and urge that a Notice of Allowance be issued for this Application.

It is believed that a fee of \$86 is due for the submission of one independent claim beyond the three independent claims for which a fee previously had been paid. The Examiner is hereby authorized to charge this fee to Deposit Account No. 501402. If any additional fees are due, including extension and petition fees, the Examiner is hereby authorized to charge such fees to Deposit Account No. 501402.

Respectfully Submitted,



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